

Madagascar

Women, Business and the Law 2024 (WBL2024) presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Antananarivo). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Madagascar scores 69.4 out of 100.0**. The overall score for Madagascar is lower than the regional average observed across Sub-Saharan Africa (74.0). Within the Sub-Saharan Africa region, the maximum score observed is 97.5 (Togo).

Madagascar - Scores for Women, Business and the Law 2024



Relative Strengths

When it comes to laws affecting women's decisions to work, and laws affecting the size of a woman's pension, Madagascar gets a perfect score.

Areas for Improvement

When it comes to constraints on freedom of movement, laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children, constraints on women starting and running a business, and gender differences in property and inheritance, Madagascar could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Madagascar is on the indicator measuring laws affecting women's pay (the WBL2024 Pay indicator). To improve on the Pay indicator, Madagascar may wish to consider mandating equal remuneration for work of equal value, allowing women to work in jobs deemed dangerous in the same way as men, and allowing women to work in an industrial job in the same way as men.

Recent Reforms

No reforms were observed during the past year (October 2nd, 2022 – October 1st, 2023).



Further data details for Madagascar are available at:
<https://wbl.worldbank.org/en/data/exploreconomies/madagascar/2024>



| | QUESTION | ANSWER | LEGAL BASIS |
|------------------|--|--------|--|
| Mobility | Can a woman choose where to live in the same way as a man? | Yes | Loi no. 2007-022 du 20 août 2007 relative au mariage et aux régimes matrimoniaux, Art. 50 |
| | Can a woman travel outside her home in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman apply for a passport in the same way as a man? | No | Procédures de demande de passeport; Formulaire de demande de passeport |
| | Can a woman travel outside the country in the same way as a man? | Yes | No restrictions could be located |
| Workplace | Can a woman get a job in the same way as a man? | Yes | No restrictions could be located |
| | Does the law prohibit discrimination in employment based on gender? | Yes | Code du Travail, Art. 261 |
| | Is there legislation on sexual harassment in employment? | Yes | Code Pénal, Art. 333 bis; Code du Travail, Art. 5 |
| | Are there criminal penalties or civil remedies for sexual harassment in employment? | Yes | <i>Criminal:</i> Code Pénal, Art. 333 bis; Code du Travail, Art. 5 <i>Civil:</i> Code du Travail, Art. 23 |
| Pay | Does the law mandate equal remuneration for work of equal value? | No | No applicable provisions could be located |
| | Can a woman work at night in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman work in a job deemed dangerous in the same way as a man? | No | Code du Travail, Art. 99; Décret No. 62-152 du 28 Mars 1962, Arts. 1 et 3 |
| | Can a woman work in an industrial job in the same way as a man? | No | Code du Travail, Arts. 85 et 93; Décret No. 62-152 du 28 Mars 1962, Arts. 7, 10 et 11 |
| Marriage | Is the law free of legal provisions that require a married woman to obey her husband? | Yes | Loi no. 2007-022 du 20 août 2007 relative au mariage et aux régimes matrimoniaux, Arts. 54 et 55 |
| | Can a woman be head of household in the same way as a man? | No | Loi no. 2007-022 du 20 août 2007 relative au mariage et aux régimes matrimoniaux, Art. 54 |
| | Is there legislation specifically addressing domestic violence? | Yes | Loi No. 2019-008 relative à la lutte contre les violences basées sur le genre, Art. 2 |
| | Can a woman obtain a judgment of divorce in the same way as a man? | Yes | No restrictions could be located |
| Parenthood | Does a woman have the same rights to remarry as a man? | Yes | No restrictions could be located |
| | Is paid leave of at least 14 weeks available to mothers? | Yes | Code du Travail, Art. 97 |
| | Does the government pay 100% of maternity leave benefits? | No | Code du Travail, Art. 97; Code de Prévoyance Sociale, Art. 157 |
| | Is paid leave available to fathers? | No | No applicable provisions could be located |
| | Is there paid parental leave? | No | No applicable provisions could be located |
| Entrepreneurship | Is dismissal of pregnant workers prohibited? | Yes | Code du Travail, Arts. 95 and 97 |
| | Does the law prohibit discrimination in access to credit based on gender? | No | No applicable provisions could be located |
| | Can a woman sign a contract in the same way as a man? | Yes | Loi no. 2007-022 du 20 août 2007 relative au mariage et aux régimes matrimoniaux, Art. 59 |
| | Can a woman register a business in the same way as a man? | Yes | No restrictions could be located |
| Assets | Can a woman open a bank account in the same way as man? | Yes | No restrictions could be located |
| | Do men and women have equal ownership rights to immovable property? | Yes | Loi no. 2007-022 du 20 août 2007 relative au mariage et aux régimes matrimoniaux, Arts. 117 et 118 |
| | Do sons and daughters have equal rights to inherit assets from their parents? | No | Loi no. 68-012 du 4 juillet 1968 relative aux successions, testaments et donations, Art. 83 |
| | Do female and male surviving spouses have equal rights to inherit assets? | No | Loi no. 68-012 du 4 juillet 1968 relative aux successions, testaments et donations, Art. 16 et 83 |
| | Does the law grant spouses equal administrative authority over assets during marriage? | Yes | Loi no. 2007-022 du 20 août 2007 relative au mariage et aux régimes matrimoniaux, Art. 117 |
| | Does the law provide for the valuation of nonmonetary contributions? | Yes | Loi no. 2007-022 du 20 août 2007 relative au mariage et aux régimes matrimoniaux, Arts. 111, 112 et 116 |
| Pension | Is the age at which men and women can retire with full pension benefits the same? | Yes | Loi no. 94-026 du 17 novembre 1994 Code de Prévoyance Sociale, Art. 268; Décret No. 2013-337 du 02 juillet 2013, Art. 1 |
| | Is the age at which men and women can retire with partial pension benefits the same? | Yes | Loi no. 94-026 du 17 novembre 1994 Code de Prévoyance Sociale, Art. 268 et 287; Décret No. 2013-337 du 02 juillet 2013, Art. 1 |
| | Is the mandatory retirement age for men and women the same? | Yes | No applicable provisions could be located |
| | Are periods of absence due to childcare accounted for in pension benefits? | Yes | Code de Prévoyance Sociale, Arts. 36 et 269 |